

rolled Bills, have had S. B. No. 448 carefully examined, compared, and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
June 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 192 carefully examined, compared, and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
June 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 446 carefully examined, compared, and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
June 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 479 carefully examined, compared, and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
June 1, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 480 carefully examined, compared, and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

## EIGHTIETH DAY

(Continued)

(Monday, June 5, 1939)

The Senate met at 10:00 o'clock a. m. and was called to order by the President.

## Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, June 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on S. B. No. 240. The following are conferees on the part of the House: Boyd, Cockrell, Allen, Petsch, Thornberry.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

## House Concurrent Resolution 146

The Senate resumed consideration of pending business, same being H. C. R. No. 146, authorizing certain corrections to be made in H. B. No. 9, with the following amendment by Senator Shivers pending:

Amend H. C. R. No. 146, Section 3, by adding at the end of said section the following words:

"At the end of line 28, page 1, of House Bill 9, add a comma after the word "survey", and then add the following:

"Except that whenever the owner of the tract of land adjoining the alleged vacant area makes application to buy the same, and no prior application to purchase or lease alleged vacant area is on file, then such owner of said adjoining tract of land, who otherwise qualifies as a good faith claimant, shall be considered a good faith claimant without regard to the length of time he may have owned said adjoining land, or had such alleged vacant tract inclosed, or under definite recognized boundaries and in possession with the belief that the vacant area was included within his survey."

Question—Shall the amendment be adopted?

Senator Weinert moved the previous question on the amendment and the adoption of the resolution, and the motion was duly seconded.

Senator Hill called for a division on the question.

Question (1)—Shall the main question now be ordered on the amendment?

The main question was ordered on the amendment by the following vote:

## Yeas—21

Brownlee	Moffett
Cotten	Pace
Graves	Redditt
Hardin	Shivers
Head	Small
Isbell	Stone
Kelley	of Galveston
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

## Nays—7

Aikin	Moore
Burns	Nelson
Collie	Stone
Hill	of Washington

## Absent

Beck	Spears
Roberts	

Question (2)—Shall the main question now be ordered on the resolution?

The main question was ordered on the resolution by the following vote:

## Yeas—20

Cotten	Redditt
Hardin	Roberts
Head	Shivers
Isbell	Small
Kelley	Stone
Lanning	of Galveston
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield
Pace	

## Nays—8

Aikin	Moore
Burns	Nelson
Collie	Stone
Graves	of Washington
Hill	

## Absent

Beck	Spears
Brownlee	

Question then first recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

## Yeas—19

Brownlee	Shivers
Graves	Small
Head	Spears
Isbell	Stone
Kelley	of Galveston
Martin	Stone
Metcalf	of Washington
Moffett	Van Zandt
Moore	Weinert
Redditt	Winfield
Roberts	

## Nays—10

Aikin	Hill
Burns	Lanning
Collie	Nelson
Cotten	Pace
Hardin	Sulak

## Absent

Beck	Lemens
------	--------

Question next recurring on the resolution (as amended), yeas and nays were demanded.

The resolution was adopted by the following vote:

## Yeas—21

Aikin	Roberts
Brownlee	Shivers
Collie	Small
Graves	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Martin	Van Zand.
Metcalf	Weinert
Moffett	Winfield
Redditt	

## Nays—8

Burns	Moore
Cotten	Nelson
Hardin	Pace
Hill	Sulak

## Absent

Beck	Lemens
------	--------

## Motion to Indorse House Bill 9

Senator Burns moved that the resolution be indorsed on the enrolled copy of the bill.

Senator Van Zandt raised a point of order against consideration of the motion, on the ground that the reso-

lution relates to a House bill, the enrolling of which is not under the control of the Senate.

Senator Moffett raised a further point of order against consideration of the motion, on the ground that the resolution itself will be enrolled and filed in Secretary of State's office, where it will be available to the courts or others concerned, and that its indorsement on the bill is not necessary to enable the public or the courts to ascertain its contents.

The President sustained the points of order.

#### Senate Concurrent Resolution 59

Senator Burns moved that the rules relating to the order of business be suspended, to permit his offering, and the Senate's considering, at this time, the following resolution:

Be it Resolved by the Senate, the House of Representatives concurring, That H. C. R. No. 146 be endorsed on the back of House Bill No. 9.

The motion prevailed by the following vote:

#### Yeas—18

Aikin	Lemens
Brownlee	Martin
Burns	Metcalf
Collie	Moore
Cotten	Pace
Hardin	Redditt
Hill	Spears
Isbell	Sulak
Lanning	Van Zandt

#### Nays—8

Head	Stone
Kelley	of Galveston
Moffett	Weinert
Roberts	Winfield
Shivers	

#### Present—Not Voting

Graves

#### Absent

Beck	Stone
Nelson	of Washington
Small	

The President laid the resolution by Senator Burns before the Senate, for consideration at this time.

Senator Moffett raised a point of order against consideration of the resolution, on the ground that it is vague and indefinite.

The President overruled the point of order.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

#### Yeas—18

Aikin	Lanning
Brownlee	Lemens
Burns	Martin
Collie	Metcalf
Cotten	Moore
Graves	Pace
Hardin	Spears
Hill	Sulak
Isbell	Van Zandt

#### Nays—9

Head	Shivers
Kelley	Stone
Moffett	of Galveston
Redditt	Weinert
Roberts	Winfield

#### Absent

Beck	Stone
Nelson	of Washington
Small	

#### Report of Standing Committee

By unanimous consent, the following report was submitted at this time:

Austin, Texas,  
June 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Debts, Claims and Accounts, to whom was referred

H. B. No. 723, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Fund, or such other funds as may be designated for each item, providing that before payment of any claim shall be paid from funds hereby appropriated the same shall have the approval of the State Comptroller, and the Attorney General, and provided further that any claim involving the refund of a franchise tax shall also carry the approval of the Secretary of State in addition to the other officials therein named; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HEAD, Chairman.

**House Bill 723 on Second Reading**

Senator Head moved that Senate rules 31a and 48 be suspended and the regular order of business be suspended, to permit consideration of H. B. No. 723 at this time.

The motion prevailed by the following vote:

**Yeas—24**

Aikin	Martin
Brownlee	Metcalf
Burns	Moore
Collie	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Shivers
Head	Stone
Hill	of Galveston
Isbell	Sulak
Kelley	Van Zandt
Lanning	Winfield
Lemens	

**Nays—1**

Moffett

**Present—Not Voting**

Spears

**Absent**

Beck	Stone
Nelson	of Washington
Small	Weinert

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 723, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Fund; providing that before payment of any claim shall be paid from funds hereby appropriated the same shall have the approval of the State Comptroller, the State Auditor, and the Attorney General, and provided further that any claim involving the refund of a franchise tax shall also carry the approval of the Secretary of State in addition to the other officials herein named, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to third reading?

**Message from the Governor**

A Secretary of the Governor was announced by the Doorkeeper and was

recognized by the President, to present the following message, which was read to the Senate and referred to the Committee on Nominations of the Governor:

Austin, Texas,  
June 5, 1939.

To the Senate of the Forty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Members of the State Board of Dental Examiners (Term beginning June 10, 1939):

Dr. R. T. Weber of Austin, Travis County (reappointment).

Dr. M. F. Webster of Dallas, Dallas County.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

**Senate Bill on First Reading**

Senator Burns moved that the legislative rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a bill at this time.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Moffett
Brownlee	Moore
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

**Absent**

Beck	Small
Nelson	

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Burns:

S. B. No. 488, A bill to be entitled "An Act to amend Section 1 of S. B.

275, of the Acts of the Forty-sixth Legislature, Regular Session of 1939, and to provide that all processes and writs issued and served and recognizances and bonds and undertakings entered into before this Act takes effect and made returnable to the 87th Judicial District Court in Limestone, Freestone, Anderson and Leon Counties, shall be considered as returnable to the next succeeding term of the 87th Judicial District Court after this Act takes effect and to provide that all grand and petit juries drawn and selected under the existing laws, in either Anderson, Limestone, Freestone or Leon Counties shall be considered as legally drawn and selected for the next succeeding term of the District Court of their respective counties after the taking effect of this Act, and declaring an emergency."

Referred to Committee on Judicial Districts.

#### Bills and Resolution Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolution:

S. B. No. 455, "An Act relating to the subject of bonds, notes and warrants issued by the Board of Regents of the University of Texas, the Board of Directors of the Agricultural and Mechanical College, the Board of Directors of the Texas Technological College, the Board of Regents of the State Teachers Colleges, the Board of Regents of the College of Industrial Arts, and the Board of Directors of the Texas College of Arts and Industries, under Chapter Five, Acts of the Second Called Session of the Forty-third Legislature and amendments thereto, and all other laws, including the validating of the bonds, warrants and notes issued by said Boards, the resolutions and other proceedings authorizing their issuance, and the provisions made for the payment of principal and interest of such bonds, warrants and notes; and making it the duty of said Boards to fix, maintain and collect charges or rates sufficient to pay principal and interest as it accrues and matures on bonds, warrants and notes heretofore or hereafter issued, and for reasonable reserves; and declaring an emergency."

S. B. No. 418, "An Act authorizing the Game, Fish and Oyster Commis-

sion to acquire by purchase lands, water rights, easements, right of ways and property of any person in this State; providing for the acquiring of lands, water rights, easements, right of ways and property of any person or corporation by condemnation proceedings; providing the manner and method of such condemnation proceedings; providing for the payment of damages and costs, and declaring an emergency."

S. B. No. 393, "An Act amending Section 1 of Chapter 5 of the Acts of the Second Called Session of the Forty-third Legislature as amended by Chapter 459, Acts of the Second Called Session of the Forty-fourth Legislature so as to permit the obtaining of funds by the several named governing boards of State educational institutions from sources other than the United States, or agencies thereof; repealing all laws in conflict herewith; and declaring an emergency."

S. B. No. 462, "An Act amending Section 1, of Chapter 80, page 122, Acts of the Forty-second Legislature, Regular Session, so as to more adequately define the powers of the Governor of Texas in appointing the members of the State Commission for the Blind, and declaring an emergency."

S. J. R. No. 6, Proposing an amendment to the Constitution to the State of Texas amending Section 26 of Article IV so as to provide that notaries public be appointed by the Secretary of State of the State of Texas; providing for the submission of this amendment to the voters of this State; and providing for the necessary appropriation to defray necessary expenses for the submission of this amendment.

S. B. No. 454, "An Act validating bonds and other instruments or obligations, and the proceedings in reference thereto, heretofore issued by water control and improvement districts, water improvement districts, irrigation districts, conservation and reclamation districts, drainage districts, levee districts, navigation districts, road districts, school districts, counties, cities, incorporated towns and villages of this State for public works projects or for the funding or refunding of indebtedness theretofore incurred; restricting the application of this Act to instances wherein either loans or grants or both have been

made to such public bodies by the United States of America, providing that the provisions of the Act shall not apply to any proceedings authorizing the issuance of bonds, notes or warrants, or to such securities in litigation instituted prior to the delivery of such securities and pending when the Act becomes effective, and declaring an emergency."

#### Recess

On motion of Senator Moore, the Senate, at 12:15 o'clock p. m., took recess to 2:00 o'clock p. m. today.

#### Afternoon Session

The Senate met at 2:00 o'clock p. m. and was called to order by the President.

#### Reports of Standing Committees

By unanimous consent, the following reports of standing committees were submitted:

Austin, Texas,  
June 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, have had H. B. No. 927 under consideration and beg leave to report same back to the Senate with the recommendation that same do pass and be not printed.

COTTEN, Vice Chairman.

Austin, Texas,  
June 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1117, A bill to be entitled "An Act requiring any person hunting any quail in Comanche County upon the private lands of another person in Comanche County, to first obtain and have in his possession a written permit; providing that the provisions shall not apply where such person is so hunting in company with the owner or agent of such lands; providing other necessary regulations pertaining to the obtaining of such permit; providing that the failure to have in possession such valid permit shall be prima facie evidence of guilt; providing a suitable penalty for violation of

any provision of this Act; providing that it shall be the duty of any peace officer operating in any county affected by the provisions of this Act to enforce the provisions of this Act; and repealing all laws in conflict with any provision of this Act, in so far as they relate to Comanche County; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,  
June 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1081, by Gilmer, A bill to be entitled "An Act making an appropriation for the "Upper Guadalupe River Authority"; designating who shall have authority to execute vouchers under the direction and with the consent of Directors of said District; limiting the purposes for which the money may be spent; providing money herein appropriated is intended as a loan and is to be repaid to the State's General Revenue Fund from the first revenue received by said District; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

ROBERTS, Chairman.

Austin, Texas,  
June 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1094, A bill to be entitled "An Act fixing the salaries of superintendents of public instruction in each county in Texas having a population of not less than twenty-three thousand, six hundred and twenty (23,620) nor more than twenty-three thousand, eight hundred (23,800), and in all counties having a population of not less than twelve thousand, four

hundred and sixty (12,460) nor more than twelve thousand, seven hundred and eighty (12,780), according to the last Federal Census; providing mode and manner of paying such salaries; repealing all laws and parts of laws in conflict herewith to the extent of the conflict only; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,  
June 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 1104, A bill to be entitled "An Act fixing the compensation for County Commissioners in certain counties; providing the manner of payment and prescribing the funds from which it shall be paid; providing for traveling expenses for County Commissioners in certain counties; providing the manner of payment and prescribing the funds from which they shall be paid; repealing all laws or parts of laws in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,  
June 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 1099, by Kinard, A bill to be entitled "An Act validating and approving all proceedings had by cities and towns having a home rule charter in amending said charters so as to eliminate any requirements in said charter that any portion of the annual ad valorem tax levied in said city or town shall be provided for or set apart for the use of the Public Free Schools in said city or town;

provided this Act shall only apply to cities and towns acting under a home rule charter and which charter sought to be amended provided that a portion of the annual ad valorem taxes levied shall be set apart for the use of the Public Free Schools; and further provided that this Act shall not apply to such cities and towns unless, prior to the voting of said amendment, the control of the Public Free Schools in such cities and towns had been separated from the jurisdiction of said cities and towns and such Public Free Schools were being operated under the control and jurisdiction of an independent school district; and repealing Senate Bill No. 439, Acts of the Regular Session of the Forty-sixth Legislature; and further provided this Act shall not apply to any such proceedings the validity of which has been contested or attacked in any pending suit or litigation; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Vice Chairman.

Austin, Texas,  
June 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 1108, by Kinard, A bill to be entitled "An Act providing that taxes levied by other entities under and by virtue of Article 3, Section 52 of the Constitution shall never be reckoned in determining the power of any city or town to levy taxes; providing that this Act shall not apply except as to cities and towns which on the effective date of this Act did not own any of the following utilities: water system, sanitary sewer system, electric light system, or natural gas distribution system; providing that in the event of conflict between this Act and any provisions of a city charter or of a special law constituting a charter of a city the provisions of this Act shall prevail; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recom-

mendation that it do pass and be not printed.

VAN ZANDT, Chairman.

Austin, Texas,  
June 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 1107, by Kinard, A bill to be entitled "An Act validating, confirming, approving, and legalizing all bonds heretofore authorized by the necessary vote of the qualified voters of all cities or towns at an election, or elections held during the year 1938; providing this Act shall only apply to cities and towns acting under a home rule charter and which city or town did not at the time of the holding of said election, or elections, own any of the following utilities from which it could derive revenue: water system, sanitary sewer system, electric light system, or natural gas distribution system; repealing Senate Bill No. 438, Acts of the Regular Session of the Forty-sixth Legislature; etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

VAN ZANDT, Chairman.

#### Senate Bill 485 on Second Reading

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 485 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 485, A bill to be entitled "An Act to validate all ad valorem tax levies and assessments heretofore made by incorporated cities and towns in the State of Texas having a population of not less than 3,450 inhabitants and not more than 3,455 according to the last Federal Census, which levies and assessments are void or unenforceable because of the failure of the governing body of each respective incorporated city and town to make such levy by ordinance and which levies and assessments of property are void or unenforceable because of the failure of the tax assessor and col-

lector of each respective incorporated city and town to make and prepare the proper assessment rolls and reports and which levies and assessments are void or unenforceable because of the failure of such tax assessor and collector to make and prepare current tax rolls as required by the statutes of this State; providing this Act shall not validate any levies and assessments for ad valorem taxes where the validity of such levy and assessment has been contested in any pending suit; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 485 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 485 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Hill
Beck	Isbell
Brownlee	Kelley
Burns	Lanning
Collie	Lemens
Cotten	Martin
Graves	Metcalf
Hardin	Moffett
Head	Moore



Nelson	Stone
Pace	of Galveston
Redditt	Stone
Roberts	of Washington
Shivers	Sulak
Small	Van Zandt
Spears	Weinert
	Winfield

**Senate Bill 481 on Second Reading**

On motion of Senator Pace and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 481 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 481, A bill to be entitled "An Act authorizing and directing the Board of Control and the Governor to execute an easement conveying to the County of Upshur right-of-way necessary for the construction of a county road across the lands of the Texas State Colored Orphanage in Upshur County, said lands being described by metes and bounds; and authorizing and directing the Board of Control and the Governor to execute an easement conveying to the State Highway Department right-of-way necessary for the construction of State Highway No. 155 across the lands of the Texas State Colored Orphanage in Upshur County, said lands being described by metes and bounds; describing procedure to be followed in each instance; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 481 on Third Reading**

Senator Pace moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 481 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Head
Beck	Hill
Brownlee	Isbell
Burns	Kelley
Collie	Lanning
Cotten	Lemens
Graves	Martin
Hardin	Metcalfe

Moffett	Stone
Moore	of Galveston
Nelson	Stone
Pace	of Washington
Redditt	Sulak
Roberts	Van Zandt
Shivers	Weinert
Small	Winfield
Spears	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

**Senate Bill 400 with House Amendments**

Senator Stone of Washington called S. B. No. 400 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments.

**Senate Bill 28 with House Amendments**

Senator Nelson called Senate Bill No. 28 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

## Yeas—24

Aikin	Metcalf
Brownlee	Moffett
Burns	Nelson
Collie	Pace
Cotten	Redditt
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Lanning	of Washington
Lemens	Van Zandt
Martin	Winfield

## Nays—1

Moore

## Absent

Beck	Shivers
Kelley	Sulak
Roberts	Weinert

## Senate Bill 483 on Second Reading

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 483 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 483, A bill to be entitled "An Act to amend Section 1 of H. B. No. 909, Acts of the Regular Session of the Forty-sixth Legislature, relating to the duties of county auditors in certain counties, and declaring an emergency."

The bill was read second time and was passed to engrossment.

## Senate Bill 483 on Third Reading

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 483 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—30

Aikin	Head
Beck	Hill
Brownlee	Isbell
Burns	Kelley
Collie	Lanning
Cotten	Lemens
Graves	Martin
Hardin	Metcalf

Moffett  
Nelson  
Pace  
Redditt  
Roberts  
Shivers  
Small  
Spears

Stone  
of Galveston  
Stone  
of Washington  
Sulak  
Van Zandt  
Weinert  
Winfield

## Absent

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—30

Aikin  
Beck  
Brownlee  
Burns  
Collie  
Cotten  
Graves  
Hardin  
Head  
Hill  
Isbell  
Kelley  
Lanning  
Lemens  
Martin  
Metcalf

Moffett  
Nelson  
Pace  
Redditt  
Roberts  
Shivers  
Small  
Spears  
Stone  
of Galveston  
Stone  
of Washington  
Sulak  
Van Zandt  
Weinert  
Winfield

## Absent

Moore

## House Bill 1123 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 1123 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1123, A bill to be entitled "An Act creating a more efficient road law for Red River County, Texas, validating certain time warrants heretofore issued, payable out of the Road and Bridge Fund; authorizing the Commissioners' Court of said County to issue serial coupon bonds of said County in the funding of said time warrants, and to levy all or any part of the Fifteen (15) Cents Special Road and Bridge Maintenance Tax of said County for payment of said bonds; providing that if any part of

this Act shall be declared unconstitutional such holding shall not impair or validate any other parts of this Act; providing that this Act shall be cumulative of General Laws; but that in case of conflict this Act shall control; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 1123 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1123 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—30

Aikin	Moffett
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

#### Absent

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—30

Aikin	Lemens
Beck	Martin
Brownlee	Metcalf
Burns	Moffett
Collie	Nelson
Cotten	Pace
Graves	Redditt
Hardin	Roberts
Head	Shivers
Hill	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston

Stone	Van Zandt
of Washington	Weinert
Sulak	Winfield

#### Absent

Moore

#### House Bill 1124 on Second Reading

On motion of Senator Aikin and by unanimous consent, Senate rules 31a and 48 were suspended, and the regular order of business was suspended, to permit consideration of H. B. No. 1124 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1124, A bill to be entitled "An Act creating and establishing Red River County Road District No. 19 in Red River County, Texas, under Article III, Section 52, of the Constitution of the State of Texas, for the purpose of the construction, operation, and maintenance of macadamized, graveled or paved roads or turnpikes, or in aid thereof; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 1124 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1124 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—30

Aikin	Moffett
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

#### Absent

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—30

Aikin	Moffett
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

## Absent

Moore

## House Bill 1121 on Second Reading

On motion of Senator Kelley and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 1121 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1121, A bill to be entitled "An Act creating a special road law for McMullen County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of May 15, 1939, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; providing this Law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict; and declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 1121 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1121 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—30

Aikin	Moffett
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

## Absent

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—30

Aikin	Moffett
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

## Absent

Moore

## Senate Bill 487 on Second Reading

On motion of Senator Hill and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 487 at this time.

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 487, A bill to be entitled "An Act to validate, ratify, approve,

confirm and declare enforceable, all levies and assessments of ad valorem taxes heretofore made by incorporated cities and towns in the State of Texas because the same were made and adopted by resolution, motion, or other informal action, and because of the failure of the governing body of such city and town to appoint the proper and statutory Board of Equalization; and which are insufficient and voidable, or unenforceable on account of technical irregularities in the manner of preparing the books and reports of assessors assessing such property; and all equalizations of said valuations of such property for taxation purposes made by the Board of Equalization acting for any such city or town, which are irregular or insufficient because the reports of such equalizations were adopted and accepted orally, or by other informal action; and the acts of making such equalizations were made orally or by other informal action; or in incomplete form; and because of the failure of the governing body or any officer of such city or town to prepare, have public hearings on, and file a budget; and providing further that this Act shall apply only to those incorporated cities and towns in this State having a population of not less than fifteen hundred forty (1,540) and not more than fifteen hundred fifty (1,550) according to the last preceding Federal Census; providing this Act shall not affect suits pending at the time same becomes effective; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 487 on Third Reading

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 487 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Head
Beck	Hill
Brownlee	Isbell
Burns	Kelley
Collie	Lanning
Cotten	Lemens
Graves	Martin
Hardin	Metcalfe

Moffett  
Nelson  
Pace  
Redditt  
Roberts  
Shivers  
Small  
Spears

Stone  
of Galveston  
Stone  
of Washington  
Sulak  
Van Zandt  
Weinert  
Winfield

Absent

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin  
Beck  
Brownlee  
Burns  
Collie  
Cotten  
Graves  
Hardin  
Head  
Hill  
Isbell  
Kelley  
Lanning  
Lemens  
Martin  
Metcalfe

Moffett  
Nelson  
Pace  
Redditt  
Roberts  
Shivers  
Small  
Spears  
Stone  
of Galveston  
Stone  
of Washington  
Sulak  
Van Zandt  
Weinert  
Winfield

Absent

Moore

#### House Bill 927 on Second Reading

On motion of Senator Pace and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 927 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 927, A bill to be entitled "An Act authorizing the Commissioners' Court to levy a tax not to exceed ten cents (10c) on the One Hundred Dollar (\$100) valuation upon personal and/or real property for the purpose of paying for the immunization of school children and indigent people from communicable diseases; authorizing the Commissioners' Court to pay as much as one-half or any portion thereof as they may deem reasonable for the treatment of indigent people other than paupers; providing a savings clause, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 927 on Third Reading

Senator Pace moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. 927 be placed on its third reading and final passage.

The motion prevailed by the following vote:

##### Yeas—30

Aikin	Moffett
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

##### Absent

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

##### Yeas—30

Aikin	Moffett
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

##### Absent

Moore

#### Senate Bill 488 on Second Reading

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be sus-

pended and that S. B. No. 488 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

##### Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

On motion of Senator Burns and by unanimous consent, Senate rules 31a and 48 were suspended, and the regular order of business was suspended, to permit consideration of S. B. No. 488 at this time.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

#### Senate Bill 488 on Third Reading

The President then laid S. B. No. 488 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

##### Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

**House Bill 1037 on Second Reading**

On motion of Senator Stone of Galveston and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 1037 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1037, A bill to be entitled "An Act amending Section 2, of Article 3883, Revised Civil Statutes of Texas, 1925, as amended by Chapter 20, Acts of the Forty-first Legislature, Fourth Called Session, as amended by Chapter 340, Acts of the Forty-second Legislature, Regular Session, as amended by Chapter 220, Acts of the Forty-third Legislature, Regular Session, as amended by Chapter 284, Acts of the Forty-fifth Legislature, Regular Session, as amended by Chapter 391, Acts of the Forty-fifth Legislature, Regular Session, by providing that in counties with a taxable valuation of not less than Fifty-one Million, One Hundred Thousand (\$51,100,000) Dollars, nor more than Fifty-one Million, Four Hundred Thousand (\$51,400,000) Dollars, taxable valuation for county purposes according to the valuation as shown on the County Tax Assessor-Collector's rolls for the current year of 1938, the Justices of the Peace and Constables shall be allowed to retain out of the fees collected by such officers the sum of Thirty-six Hundred (\$3,600.00) Dollars per annum, and declaring an emergency.

The bill was read second time and was passed to third reading.

**House Bill 1037 on Third Reading**

Senator Stone of Galveston moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1037 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—31**

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—31**

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

**House Bill 723 on Passage to Third Reading**

The Senate resumed consideration of pending business, same being H. B. No. 723, making appropriations to pay miscellaneous claims against the State, on its passage to third reading.

Question—Shall the bill be passed to third reading?

Senator Head offered the following amendment to the bill:

Amend House Bill No. 723, page 14, line 17, of the printed bill by inserting a new section to be known as Section 1a.

To pay W. O. Jenkins, Warrant No. 156477, dated May 29, 1936, for the sum of \$112.50; Warrant No. 163686, dated June 10,

1936, for the sum of \$37.33; Warrant No. 140420, dated April 30, 1936, for the sum of \$112.50; on which payments are prohibited by the Statute of Limitation.....	\$ 262.33
To pay Clayton Harris, Warrant No. 164113, dated June 25, 1935, on which payment is prohibited by the Statute of Limitation .....	11.48
To pay Archaeological Institute of America, Warrant No. 165399, dated June 27, 1935, on which payment is prohibited by the Statute of Limitation .....	107.39
To pay Hartwell Iron Works, Warrant No. 151696, dated May 29, 1935, on which payment is prohibited by the Statute of Limitation .....	13.20
To pay A. N. Steinle, Warrant No. 165280, dated June 15, 1936, on which payment is prohibited by the Statute of Limitation....	15.00
To pay Dr. W. S. Hamilton. Warrant No. 178816, dated July 24, 1934, on which payment is prohibited by the Statute of Limitation .....	15.00
To pay Foxworth-Galbraith Lumber Company, Warrant No. 182626, dated August 6, 1935, on which payment is prohibited by the Statute of Limitation.....	117.26
To pay Humble Oil and Refining Company, overpayment of tax on sales of motor fuel.....	5,117.72
To pay Texas Hemp Corporation for property destroyed under orders of the Governor and the Director of the Safety Department .....	61,946.12
To pay W. V. Smith, McKinney, Texas, covering the State's full responsibility in the death of his brother, James M. Smith....	3,000.00
To pay L. O. Hay, Marlin, Texas, Warrant No. 147599, dated May 8, 1936 for the sum of \$8.40; Warrant No. 149999, dated May 14, 1936, for the sum of \$0.90, on which payments are prohibited by the Statute of Limitation.....	9.30
To pay Jack Waddell, Rock Island, Texas, refund Warrant No. 32896, dated November 10, 1937, on which payment is prohibited by the Statute of Limitation.....	35.59
To pay Mrs. Annie Wheat, Route 2, Ranger, Texas, refund of taxes paid for the years 1926 to 1936, inclusive, on Section 4, Block 87, Public School land, 640 acres, forfeited to State in 1925 .....	25.34
To pay Gregg Publishing Company, Warrant No. 184883, dated August 1, 1934, on which payment is prohibited by the Statute of Limitation .....	3.34
To pay W. P. Laughter, Warrant No. 116512, dated March 26, 1934, for the sum of \$47.54; Warrant No. 133402, dated March 31, 1934, for the sum of \$200.00; on which payments are prohibited by the Statute of Limitations.....	247.54
To pay C O Co. K, 144 Inf., Winnsboro, Warrant No. 115193, dated March 31, 1934, on which payment is prohibited by the Statute of Limitation .....	7.50
To pay The Brown Inst. Co., Warrant No. 170904, dated July 13, 1935, for the sum of \$18.96; Warrant No. 131365, dated April 19, 1935, for the sum of \$4.95; Warrant No. 99102, dated February 26, 1934, for the sum of \$21.91, on which payments are prohibited by the Statute of Limitation.....	45.82
To pay Mrs. W. R. Harmon, Warrant No. 145391, dated May 21, 1934, on which payment is prohibited by the Statute of Limitation .....	4.08
To pay La Salle Co. Dep., Warrant No. 112056, dated March 19, 1934, on which payment is prohibited by the Statute of Limitation .....	10.00
To pay Western Gas, Warrant No. 139723, dated May 7, 1935, on which payment is prohibited by the Statute of Limitation .....	5.25
To pay J. D. Wallace & Co., Warrant No. 185431, dated July 28, 1936, on which payment is prohibited by the Statute of Limitation .....	4.52
To pay A. T. Folsom, Warrant No. 138166, dated May 3, 1935, on which payment is prohibited by the Statute of Limitation .....	16.00



## SENATE JOURNAL

1909

To pay Eldridge Ent. House Inc., Warrant No. 139075, dated May 6, 1935, on which payment is prohibited by the Statute of Limitation . . . . .	7.30
To pay Lothrop Lee & Shepard Co., Warrant No. 48693, dated November 28, 1933, on which payment is prohibited by the Statute of Limitation . . . . .	1.13
To pay The Steck Co., Warrant No. 181384, dated August 2, 1935, on which payment is prohibited by the Statute of Limitation . . . . .	2.21
To pay S. D. Allen, Warrant No. 174701, dated July 17, 1934, on which payment is prohibited by the Statute of Limitation . . . . .	10.40
To pay The Chemical Publishing Co., Warrant No. 48257, dated November 23, 1934, on which payment is prohibited by the Statute of Limitation . . . . .	6.00
To pay Sharyland Public School, Warrant No. 170639, dated July 12, 1935, on which payment is prohibited by the Statute of Limitation . . . . .	79.12
To pay Ashe-Lockhart Inc., Warrant No. 156129, dated June 10, 1935, on which payment is prohibited by the Statute of Limitation . . . . .	16.20
To pay Glyco Products Co., Warrant No. 144379, dated May 16, 1935, on which payment is prohibited by the Statute of Limitation . . . . .	2.29
To pay Burgess Publishing Co., Warrant No. 108052, dated February 26, 1936, for the sum of \$1.56; Warrant No. 86373, dated January 23, 1936, for the sum of \$7.17; Warrant No. 98578, dated February 13, 1936, for the sum of \$2.66, on which payments are prohibited by the Statute of Limitation . . . . .	11.39
To pay Texhoma Independent School District, Warrant No. 190153, dated August 6, 1936, on which payment is prohibited by the Statute of Limitation . . . . .	678.00
To pay A. Harris & Co., Warrant No. 185463, dated July 28, 1936, on which payment is prohibited by the Statute of Limitation . . . . .	9.25
To pay Eagle Picher Sales Co., Warrant No. 164649, dated June 15, 1936, on which payment is prohibited by the Statute of Limitation . . . . .	1.18
To pay Fire Engineering, Warrant No. 158653, dated June 18, 1935, on which payment is prohibited by the Statute of Limitation . . . . .	3.00
To pay Lyford Public School, Warrant No. 180856, dated August 1, 1935, for the sum of \$35.16; Warrant No. 173197, dated July 13, 1934, for the sum of \$90.63; on which payments are prohibited by the Statute of Limitation . . . . .	125.79
To pay Santa Margarita Public School, Warrant No. 180881, dated August 1, 1935, on which payment is prohibited by the Statute of Limitation . . . . .	84.38
To pay Gamble Hinged Music Co., Warrant No. 162821, dated June 27, 1934, for the sum of \$28.52; Warrant No. 166012, dated July 2, 1934, for the sum of \$6.49; Warrant No. 173764, dated July 14, 1934, for the sum of \$2.00; Warrant No. 176455, dated July 18, 1934, for the sum of \$29.89; Warrant No. 183532, dated July 30, 1934, for the sum of \$1.55; Warrant No. 197408, dated August 30, 1934, for the sum of \$28.76; Warrant No. 165570, dated June 27, 1935, for the sum of \$3.36; on which payments are prohibited by the Statute of Limitation . . . . .	100.57
To pay Woodruff Printing Co., Warrant No. 148995, dated May 23, 1935, on which payment is prohibited by the Statute of Limitation . . . . .	14.70
To pay R. H. McCrary, Winnsboro, Texas, Warrant No. 115193, dated March 31, 1934, on which payment is prohibited by the Statute of Limitation . . . . .	7.50
To pay Herschel Neel, The First National Bank of Beaumont, Texas, Warrant No. 159020, dated April 30, 1935, payee, Will Nichols, on which payment is prohibited by the Statute of Limitation . . . . .	21.29

To pay Ray M. Keck, President, Stockmens National Bank, Cotulla, Texas, Warrant No. 112056, dated March 19, 1934, on which payment is prohibited by the Statute of Limitation	10.00
To pay State Bank of Mansfield, Warrant No. 145391, dated May 21, 1934, on which payment is prohibited by the Statute of Limitation	4.08
To pay The Steck Company, Warrant No. 182779, dated June 19, 1933, for the sum of \$107.74, on which payment is prohibited by the Statute of Limitation	107.74
To pay Charles Elmore Cropley, Clerk, United States Supreme Court, costs and charges in Texas vs. Florida et al, No. 11, original, as follows: Texas' portion of special master's fee....	4,500.00
To pay H. S. Middlemiss, transcript and court cost in case Texas vs. Florida, et al, No. 11, original	8,026.80
To pay U. S. Tire Service, Fort Worth, Texas, Warrant No. 152617, dated May 30, 1935, payee, S. P. Jones, on which payment is prohibited by the Statute of Limitation	4.80
To pay Horace Wells, Amarillo, Texas, Warrant No. 137550, dated April 6, 1933, on which payment is prohibited by the Statute of Limitation	4.40
To pay American Water Works Association, 29 West 39th St., New York City, Warrant No. 192845, dated July 12, 1933, on which payment is prohibited by the Statute of Limitation	2.50
To pay Modern Language Association of America, 100 Washington Square, New York City, Warrant No. 79077, dated January 12, 1933, on which payment is prohibited by the Statute of Limitation	2.34
To pay The Steck Co., Austin, Account of State Board of Dental Examiners	87.60
To pay Phoenix Dairy, Houston, Texas, Warrant No. 65727, dated July 12, 1934, on which payment is prohibited by the Statute of Limitation	112.26
To pay Weisstain & Weinstein, 2162 Seventh Ave., New York, N. Y., Warrant No. 110242, dated March 31, 1934, on which payment is prohibited by the Statute of Limitation	56.25
To pay Mrs. Alma L. de Bona, San Antonio, Texas, one quarter of year 1925, through 1936, inclusive, for overpaid registration fee in Bexar County, Texas	73.27
To pay R. R. C. Hargrove, Marshall, Texas, Deficiency Certificate No. 1037, dated September 10, 1929, appropriation exhausted	45.00
To pay Albert Pierce, Marshall, Texas, Deficiency Certificate No. 1993, dated August 7, 1930, appropriation exhausted	72.00
To pay Highland Clinic, Shreveport, La., Account of Industrial Accident Board	49.00
To pay Mrs. J. P. Bemrod, Wichita Falls, Texas, refund of package store permit, bought by her deceased husband	131.75
To pay Continental Casualty Company, Chicago, Ill., for refund on Premiums	300.90
To pay Capital Life Insurance Co., Denver, Colo., for overpayment of occupation tax	808.15
To pay Northwest Casualty Co., Seattle, Washington, for premium tax overpayment	74.03
To pay William Harwell, Brookshire, Texas, for lost Warrant	23.33
To pay The Stanley Tools, New Britain, Conn., Warrant No. 219359, dated August 31, 1933, lost	17.12
To pay Reecie R. Jones, Stephenville, Texas, Deficiency Warrant No. 229, dated March 4, 1938, payee, H. D. Mayfield, Jr., for the sum of \$437.50; Deficiency Warrant No. 263, dated March 29, 1938, payee, H. D. Mayfield, Jr., for the sum of \$175.00; Deficiency Warrant No. 336, dated April 30, 1938, payee, H. D. Mayfield, Jr., for the sum of \$180.83, on which payment is prohibited by the Statute of Limitation	793.33
To supplement appropriations for the payment of transcript fees to official court reporters for narrative statement of fact	

and/or in cases where court is required and does appoint attorney to represent defendant in criminal action and where official court reporter is required and does furnish defendant's attorney with script of his notes as provided by law: For the State's fiscal years ending August 31, 1937: Provided, however, that this appropriation is for the purpose of paying court reporters who were not regularly employed and appointed court reporters at the time the cases were tried and the service was rendered .....	1,100.00
To pay Bud Thomas, Warrant No. 93247, dated February 15, 1934, on which payment is prohibited by the Statute of Limitation .....	10.50
To pay Maintenance Engineering Corporation, Warrant No. 160419, dated May 28, 1936, on which payment is prohibited by the Statute of Limitation.....	54.56
To pay Dr. C. L. Lunsford, Warrant No. 131666, dated April 24, 1934, on which payment is prohibited by the Statute of Limitation .....	9.60
To pay A. S. Barnes & Co., Warrant No. 186931, dated August 3, 1934, for the sum of \$4.40; Warrant No. 187217, dated June 27, 1933, for the sum of \$6.84; Warrant No. 56369, dated December 4, 1935, for the sum of \$10.30; Warrant No. 112464, dated March 19, 1935, for the sum of \$4.18; Warrant No. 99742, dated February 26, 1935, for the sum of \$6.33; Warrant No. 586652, dated December 11, 1934, for the sum of \$9.48; Warrant No. 108049, dated February 26, 1936, for the sum of \$24.09; on which payments are prohibited by the Statute of Limitation .....	65.62
To pay The DeLaval Separator Company, Chicago, Illinois, Warrant No. 141231, dated May 13, 1935, for the sum of \$22.99; Warrant No. 142960, dated May 15, 1935, for the sum of \$19.34; Warrant No. 172834, dated July 17, 1935, for the sum of \$20.04; Warrant No. 105255, dated February 21, 1936, for the sum of \$34.94; Warrant No. 109760, dated March 3, 1936, for the sum of \$23.78; Warrant No. 111136, dated March 3, 1936, for the sum of \$307.06; Warrant No. 115328, dated March 12, 1936, for the sum of \$4.95; Warrant No. 136994, dated April 17, 1936, for the sum of \$378.82; Warrant No. 137992, dated April 18, 1936, for the sum of \$1.34; Warrant No. 144255, dated May 1, 1936, for the sum of \$1.39; Warrant No. 168502, dated June 18, 1936, for the sum of \$31.39; Warrant No. 170785, dated June 22, 1936, for the sum of \$24.00; Warrant No. 177507, dated July 10, 1936, for the sum of \$22.85; Warrant No. 188987, dated August 3, 1936, for the sum of \$72.90; Warrant No. 178893, dated July 16, 1936, for the sum of \$22.76; on which payments are prohibited by the Statute of Limitation .....	988.55
To pay the City National Bank of Galveston, Warrant No. 155275, dated June 6, 1935, payee, J. C. Gengler, for the sum of \$130.30; Warrant No. 155276, dated June 6, 1935, payee, J. C. Gengler, for the sum of \$74.10, on which payments are prohibited by the Statute of Limitation.....	204.40
To pay Druggists Circular Inc., New York, Warrant No. 50095, dated November 25, 1932, on which payment is prohibited by the Statute of Limitation .....	3.00
To pay H. N. Johnson, Tahoka, Texas, Warrant No. 9721, dated September 22, 1934, for the sum of \$5.60; Warrant No. 9722, dated September 22, 1934, for the sum of \$5.60; on which payments are prohibited by the Statute of Limitation.....	11.20
To pay Army & Navy Register, Warrant No. 131443, dated April 8, 1936, on which payment is prohibited by the Statute of Limitation .....	4.00
To pay Ben H. Stone, Jr., Warrant No. 58901, dated December 31, 1935, for the sum of \$25.00; Warrant No. 28306, dated	

October 31, 1935, for the sum of \$25.00; on which payments are prohibited by the Statute of Limitation.....	50.00
To pay W. J. Banner, Sanderson, Texas, refund on one-half bonus erroneously paid to the State on oil and gas lease.....	3,017.20
To pay M. H. Goode, Dryden, Texas, refund on bonus erroneously paid to the State covering oil and gas lease.....	1,570.00
To pay Red Arrow Freight Line, Houston, Texas, refund of erroneous payment of license fee for truck.....	66.24
To pay Order of the Alamo, Travis D. Bailey, Treasurer, P. O. Box 1599, San Antonio, Texas refund for amusement tax erroneously paid to the State.....	985.65
To pay Jim Gatoura, Austin, Texas, refund of erroneous payment to Liquor Control Board for liquor permit.....	175.00
To pay Dr. W. A. Sengelmann, Houston, Texas, for treatment of Dewey Fowler, inmate of the State penitentiary.....	200.00
To pay United Fidelity Life Insurance Company, Dallas, Texas, refund of erroneous overpayment of gross premium tax.....	76.58
To pay Imperial Sugar Company, Sugarland, Texas refund of overpayment of franchise tax.....	1,583.50
To pay River Road Telephone Lines, Amarillo, Texas, refund of erroneous overpayment of gross receipts tax.....	10.58
To pay the Fort Worth National Bank, Fort Worth, Texas, Warrant No. 56245, dated December 31, 1934, on which payment is prohibited by the Statute of Limitation.....	7.50
To pay National State Bank, Boulder, Colorado, Warrant No. 93164, dated February 14, 1935, on which payment is prohibited by the Statute of Limitation.....	5.60
To pay American Ins. of Mining & Meta., Warrant No. 33665, dated October 30, 1936, for the sum of \$15.00; Warrant No. 45763, dated November 19, 1935, for the sum of \$2.15; on which payments are prohibited by the Statute of Limitation.....	17.15
To pay Dave Gill and Andres Galindo, Warrant No. 186527, dated August 3, 1934, on which payment is prohibited by the Statute of Limitation .....	17.60
To pay Lillian Peek, Warrant No. 146519, May 31, 1934, on which payment is prohibited by the Statute of Limitation....	108.33
To pay T. M. Scott, Warrant No. 144408, dated May 31, 1934, on which payment is prohibited by the Statute of Limitation .....	175.00
To pay Dr. Frederick Eby, University Station, Austin, Texas, Warrant No. 70279, dated March 3, 1932, payee, Miriam Dozier, on which payment is prohibited by the Statute of Limitation..	200.00
To pay Haver-Glover Labs., Warrant No. 35330, dated November 2, 1934, on which payment is prohibited by the Statute of Limitation .....	48.00
To pay Dr. Preston Hunt, Warrant No. 25885, dated October 31, 1934, on which payment is prohibited by the Statute of Limitation .....	115.00
To pay Eva Jane Pharr, refund of homestead tax for year 1937	7.40
To pay M. L. Smiley, Paris, Texas, refund on motor fuel tax	51.27
To pay F. L. Gardenhire, refund of overpayment of land patent	4.32
To pay Reliance Life Insurance Company, Pittsburg, Pennsylvania, refund for overpayment of gross premiums tax paid under protest .....	158.67
To pay James Winchester of Beaumont, refund on homestead tax for years 1937-1938.....	5.40
To pay M. F. Yount Estate overpayment of inheritance tax....	2,880.00
To pay The Lincoln Life Insurance Company, Fort Wayne, Ind., refund occupation tax paid under protest for year 1933.....	936.14
To pay The American United Life Insurance Company, Indianapolis, Ind., refund occupation tax paid under protest for year 1933 .....	390.00
To pay Sinclair Refining Company, Fort Worth, Texas, Accounts of Prison System and State Department of Agriculture.....	867.35

# SENATE JOURNAL

1913

To pay Trinity Portland Cement Co., refund erroneous overpayment of franchise taxes and filing fees.....	11,345.00
To pay J. I. Case Threshing Machine Co. overpayment of franchise taxes and filing fees.....	24,385.66
To pay Acme Cement Plaster Co., refund of filing fees and franchise taxes .....	5,150.00
To pay Western Newspaper Union refund filing fees and franchise taxes .....	9,546.00
To pay National Biscuit Company refund franchise taxes and filing fees .....	93,407.00
To pay Farmers First National Bank, Stephenville, Texas, witness fee of J. E. Cooper, Jr. in case No. 4446, State of Texas vs. Cliff Morgan and Ellen Morgan.....	24.48
To pay W. C. Jackson for services rendered as special district attorney of the 83rd Judicial District of the State of Texas, Pecos County .....	100.00
To pay Sydney L. Samuels, Fort Worth, Texas, for ninety-six days service as special chief justice of the Supreme Court of Texas .....	1,305.64
To pay Harvey C. Brown, Abilene, Texas, official court reporter in Cause No. 6824-A, State of Texas vs. Lonnie Mitchell, tried in the District Court of Taylor County, Texas.....	41.40
To pay R. W. Ingram, official court reporter, 123rd District Court, Center, Shelby, County, Texas, State of Texas vs. Amon Martin .....	33.60
To pay Frank C. Green, Court Reporter in the District Court of Harrison County, Texas, State of Texas vs. Landell Rhodes .....	8.00
To pay Clyde Welch of Handley, Texas, refund on package store permit No. 3793 .....	83.33
To pay C. C. Engledow for services as special District Attorney in the District Court of Camp County, Texas, State of Texas vs. John A. Cook.....	100.00
To pay Hall Etter, official court reporter of the 75th Judicial District, covering fees for making narrative statements of facts in cases where paupers' oaths were filed.....	508.15
To pay J. R. Sanford, Eagle Pass, Texas, for services as special judge .....	95.83
To pay Miles D. Jordan, Sheriff of Hardin County, Texas, special fees in cases Nos. 3600 and 3651 in the District Court of Hardin County, Texas .....	13.50
To pay I. Vincent gasoline refund Warrant No. 108979, issued June 8, 1937, misplaced or lost in mail.....	68.70
To pay Ike Elliff reward offered by the State of Texas.....	250.00
To pay Dave Allen reward offered by the State of Texas.....	250.00
To pay Aetna Life Insurance Company, Hartford, Connecticut, erroneous payment of gross premiums tax.....	16,473.21
To pay Travelers Life Insurance Company, Hartford, Connecticut, erroneous payment of gross premiums tax.....	10,825.14
To pay Mrs. Dora Martin, Buster Martin and Jack Martin to settle and satisfy judgment for said amount rendered by District Court of Liberty County.....	12,500.00
To pay Capital National Bank, Austin, Texas, Comptroller's Deficiency Certificate No. 21816, dated December 11, 1930, issued in full payment of all claims by the J. T. Carlisle Estate .....	7,912.10
To pay John R. Shook, Justice of the Peace, Bexar County, Texas, for fees covering official duty.....	53.00
To pay Maydelle Independent School District, to cover taxes on State owned land for the years 1937 and 1938.....	306.30
To pay Rusk Independent School District to cover taxes on State owned land for the years 1937 and 1938.....	954.00
To pay Gulf States Utilities Company, 362 Liberty Avenue, Beaumont, Texas, refund of chain store tax.....	4,509.00
To pay Bemis Brothers Bag Company, St. Louis, Mo., overpay-	

ment of filing permit fee to do business in the State of Texas from year 1927 to 1937.....	2,220.00
To pay Mrs. E. E. Dietert erroneous payment of bonus and rentals to State. In the event the above claim is not allowed by the Attorney General permission is hereby given claimant to sue the State, venue to be in Travis County.....	61.96
To pay W. L. Sessions erroneous payment of bonus and rentals to State. In the event the above claim is not allowed by the Attorney General permission is hereby given claimant to the sue the State, venue to be in Travis County.....	890.00
To pay Red River Valley Trust Company, Paris, Texas, refund on franchise taxes from July 29, 1930 to April 13, 1937, inclusive . . . . .	2,422.90
To pay Lamar State Bank and Trust Company, Paris, Texas for franchise taxes erroneously paid from March 8, 1939 to April 13, 1937, inclusive.....	828.82
To pay Mrs. Consuelo Madrigal de Pena erroneous payment of bonus and rentals to State. In the event the above claim is not allowed by the Attorney General, permission is hereby given claimant to sue the State, venue to be in Travis County	1,176.00
To pay Jensen-Salsbery Laboratories, Inc., Kansas City, Missouri, for commodities furnished the Texas Prison System for years 1932, 1933, and 1936.....	350.39
To pay Rockwall Levee Improvement District for reimbursement of funds spent repairing State Highway No. 1, U. S. 67.....	1,600.00
To pay J. Emory Barton, official court reporter 16th District Court, Denison, Texas, fees for preparing statements of facts which pauper's affidavit was filed, Case No. 9670, the State of Texas vs. T. M. Harper.....	8.70
To pay J. Emory Barton, official court reporter 16th District Court, Denison, Texas, fees for preparing statement of facts in case in which pauper's affidavit was filed, Case No. 9715, the State of Texas vs. Monhousden.....	45.00
To pay Reynolds Lowry and Mrs. Mary Nelson Lowry Nolan, nee Mary Nelson Lowry, share and share alike, in full settlement of their right, title, interest and claim, and the right, title, interest and claim of any and all heirs and representatives of Thos. F. McKinney against the State of Texas, for, or on account of money, property and credit, and advances of every character furnished by the said Thos. F. McKinney to the Republic of Texas. The records show that this claim in the amount herein was recognized by the Legislature of the State of Texas in 1871 and 1873 respectively, but was not actually paid and has never been paid. Satisfactory proof was submitted to the Claims Committee that Reynolds Lowry and Mrs. Mary Nelson Lowry Nolan are entitled to receive the sum allowed here under the wills of the said Thos. F. McKinney and his wife, Mrs. Anna G. McKinney; but for further certainty, it is directed that the Comptroller shall deliver the warrant for the sum allowed only upon the filing with him of a certificate of the County Judge of Travis County, where one of said claimants resides, to the effect that properly certified copies of the wills of the said Thos. F. McKinney and his wife, Mrs. Anna McKinney, has been filed with him, together with at least two written affidavits of responsible and credible persons, showing that claimants are the only children and heirs at law of Mrs. Mag. A. Lowry, residuary legatee, and that under the provisions of said wills and facts, said sum is legally payable to the said Reynolds Lowry and Mrs. Mary Nelson Lowry Nolan, the certified copies of said wills and the written proof submitted hereunder to accompany said certificates, the sum of .....	16,942.80
To pay Will W. Wood, Constable, Bexar County, Texas, for fees covering official duty.....	136.00

# SENATE JOURNAL

1915

To pay Albert Hausser, Sheriff, Bexar County, Texas, for fees covering official duty.....	345.39
To pay E. F. Gilliland for property destroyed under orders of the Governor and the Director of the Safety Department....	500.00
To pay Spillman & Hayes for property destroyed under orders of the Governor and the Director of the Safety Department....	312.50
To pay C. E. Crowell for property destroyed under orders of the Governor and Director of the Safety Department.....	156.00
To pay Elmer Johnson for property destroyed under orders of the Governor and the Director of Safety Department.....	250.00
To pay C. A. Shoquist for property destroyed under orders of the Governor and the Director of the Safety Department....	187.50
To pay T. R. Stanford for property destroyed under orders of the Governor and the Director of the Safety Department.....	250.00
To pay Fred Wick for property destroyed under orders of the Governor and the Director of the Safety Department.....	150.00
To pay to C. W. Freeman for property destroyed under orders of the Governor and the Director of the Safety Department....	312.50
To pay J. A. Pennington for property destroyed under orders of the Governor and the Director of the Safety Department....	337.50
To pay L. P. Hoffner for property destroyed under orders of the Governor and the Director of the Safety Department....	187.50
To pay Klein Ice Cream Company, Houston, Texas, refund of chain store tax.....	320.34
To pay R. P. Cherry for property destroyed under orders of the Governor and the Director of the Safety Department....	250.00
To pay W. A. Cooley for property destroyed under orders of the Governor and the Director of the Safety Department.....	312.50
To pay J. S. Bridwell for property destroyed under orders of the Governor and the Director of the Safety Department.....	1,406.25
To pay T. W. Wilbur for property destroyed under orders of the Governor and the Director of the Safety Department....	141.87
To pay H. A. Darling for property destroyed under orders of the Governor and the Director of the Safety Department....	187.50
To pay E. O. Roberts for property destroyed under orders of the Governor and the Director of the Safety Department.....	487.50
To pay to C. P. Dayton for property destroyed under orders of the Governor and the Director of the Safety Department.....	425.00
To pay Verner Gustafson for property destroyed under orders of the Governor and the Director of the Safety Department.....	187.50
To pay A. E. Jones for property destroyed under orders of the Governor and the Director of the Safety Department.....	337.50
To pay W. J. McKnight for property destroyed under orders of the Governor and the Director of the Safety Department.....	375.00
To pay L. D. Cole for property destroyed under orders of the Governor and the Director of the Safety Department.....	337.50
To pay R. D. Smith for property destroyed under orders of the Governor and the Director of the Safety Department.....	250.00
To pay R. R. Clark for property destroyed under orders of the Governor and the Director of the Safety Department.....	2,812.50
To pay Porter Roop for property destroyed under orders of the Governor and the Director of the Safety Department.....	187.50
To pay E. A. Shepperd, Chenoweth & Shepperd, Abilene, Texas, for motor fuel tax refund August 9, 1938 to November 1, 1938 on 1495 gallons .....	59.80
To pay R. W. Connor, Houston, Texas, witness fee in Cause, State of Texas vs. J. C. Britton, Parmer County, Texas.....	68.80
To pay R. W. Lee, Oklahoma City, Oklahoma, refund on gasoline tax from March 10, 1937, to December 31, 1938.....	2,623.90
To pay the Lawyers Co-op Publishing Company, Rochester, N. Y., for books bought in 1935 and 1936 by the Attorney General's Department, appropriation exhausted.....	18.50
To pay M. S. Hunt, Treasury Warrant No. 131692, dated April 24, 1934, payee, J. E. Pool, in the amount of \$15.60; Treasury	

Warrant No. 100178, dated Feb. 26, 1935, payee, J. E. Pool, in the amount of \$11.60, on which payments are prohibited by the Statute of Limitation .....	27.20
To pay Dr. N. D. Buie, President, Marlin Sanitarium Bath House, Inc., refund for overpayment of fees and franchise tax.....	74.71
To pay The Federation of Sewage Works Associations, New York, New York, Warrant No. 131984, dated April 9, 1936, on which payment is prohibited by the Statute of Limitation.....	1.00
To pay Welmaker Glass & Mirror Works, Warrant No. 143696, dated April 30, 1936, on which payment is prohibited by the Statute of Limitation .....	5.55
To pay George Dewey Maupin, heir of Charles H. Maupin, deceased, the sum of \$2,489.13 paid to the Treasury of the State of Texas in the escheated estate of Charles H. Maupin, deceased, Archer County, Texas.....	2,489.13
To pay Clemons Leonard Bradley and Cecil May Bradley Adams, heirs of W. C. Hunt, deceased, the sum of \$3,847.95. paid into the Treasury of the State of Texas in connection with the escheated estate of W. C. Hunt, deceased, Jack County, Texas .....	3,847.95
To pay Eagle Picher Sales Co., State Highway Warrant No. 158553, dated March 30, 1936, on which payment is prohibited by the Statute of Limitation.....	46.80
To pay The First-Liberty National Bank, Liberty, Texas, Warrant No. 159013, dated April 30, 1935, payee, K. Bennett, for the sum of \$23.04; Warrant No. 159021, dated April 30, 1935, payee, Kenzie Morris, for the sum of \$13.03; Warrant No. 159022, dated April 30, 1935, payee, Sam Thompson, for the sum of \$14.72; on which payments are prohibited by the Statute of Limitation.....	50.79
To pay Mr. Herschel Neel, Assistant Cashier, First National Bank of Beaumont, Warrant No. 159020, dated April 30, 1935, payee, Will Nichols, on which payment is prohibited by the Statute of Limitation.....	21.29
To pay Ollie Watts, c/o Bell-Buchanan Motor Co., Inc., Liberty, Texas, Warrant No. 159017, dated April 30, 1935, on which payment is prohibited by the Statute of Limitation.....	17.32
To pay H. S. Melton, Amherst, Texas, Warrant No. 11941, dated September 30, 1935, on which payment is prohibited by the Statute of Limitation.....	13.65
To pay Judge D. F. Strickland, Mission, Texas, for services rendered as Special Associate Justice of the Court of Civil Appeals, in Cause No. 10176, Ruth E. Goldsmith, et vir., Appellants vs. J. Sydney Salkey, Appellee, in the Fourth Supreme Judicial District of Texas, San Antonio, Texas.....	150.00

Question—Shall the amendment be adopted?

Senator Head moved to postpone further consideration of the bill until tomorrow immediately after completion of the morning call on that day.

The motion prevailed.

#### Senate Bill 347 on Second Reading

Senator Brownlee moved that the regular order of business be suspended, to permit consideration of S. B. No. 347 at this time.

The motion prevailed by the following vote:

#### Yeas—22

Brownlee	Moffett
Burns	Moore
Cotten	Nelson
Graves	Redditt
Hardin	Roberts
Head	Shivers
Hill	Small
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Metcalfe	Winfield

#### Nays—5

Aikin	Spears
Collie	Sulak
Pace	



## Absent

Beck                      Van Zandt  
Martin                    Weinert

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 347, A bill to be entitled "An Act authorizing the State Parks Board to acquire, build and construct parkways, roads, bridges and trails to park-sites on Buchanan and Inks Lakes in Burnet and Llano Counties; authorizing the Board to cooperate and match funds with other State and Federal Agencies; making an appropriation to carry out the terms of this Act; and declaring an emergency."

The bill was read second time.

Senator Brownlee offered the following (committee) amendment to the bill:

Amend S. B. No. 347, and the caption thereof by striking out the words, or phrase "Burnet and Llano" wherever it appears in said bill and substitute in lieu thereof the following: "Burnet, Travis, Llano, Lampasas, Williamson and San Saba."

The amendment was adopted.

Senator Brownlee offered the following amendment to the bill:

Amend S. B. No. 347 by substituting the words and figures Twelve Thousand Five Hundred (\$12,500.00) Dollars for the words and figures Twenty-Five Thousand (\$25,000.00) Dollars wherever the same appear.

HILL,  
BROWNLEE.

The amendment was adopted.

Senator Pace moved the previous question on the passage of the bill to engrossment, and the main question was ordered.

The bill then was passed to engrossment.

## Senate Bill 347 on Third Reading

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 347 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—25

Aikin	Moffett
Brownlee	Moore
Burns	Nelson
Cotten	Pace
Graves	Redditt
Hardin	Shivers
Head	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Winfield
Metcalf	

## Nays—2

Collie                      Sulak

## Absent

Beck                      Van Zandt  
Roberts                  Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—18

Brownlee	Pace
Burns	Redditt
Graves	Shivers
Head	Small
Hill	Stone
Lanning	of Galveston
Lemens	Stone
Martin	of Washington
Metcalf	Van Zandt
Moore	Winfield

## Nays—11

Aikin	Moffett
Beck	Nelson
Collie	Roberts
Cotten	Spears
Hardin	Sulak
Isbell	

## Absent

Kelley                      Weinert

## Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, June 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following bills and resolutions:

H. C. R. No. 145, Requesting enforcement of Article 6675a-8b, Revised Civil Statutes.

H. C. R. No. 175, Authorizing a Committee to investigate lobbying.

Respectfully submitted,  
E. R. LINDLEY, Chief Clerk,  
House of Representatives.

#### House Bill 1109 on Second Reading

On motion of Senator Winfield and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 1109 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1109, A bill to be entitled "An Act amending House Bill No. 884 of the Regular Session of the Forty-sixth Legislature relating to the taking of collared peccary or javelina or their hides, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 1109 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1109 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

#### Senate Resolution 92

Senator Hardin, by unanimous consent, offered the following resolution at this time:

Whereas, during this term of the Legislature, there have been several bands and other musical performances given in the Senate Chamber; and

Whereas, the Mexia High School Band of Mexia, Limestone County, Texas, has for the past several years won District and State honors as well as National honors; and

Whereas, the Mexia High School Band will be in Austin, Wednesday, June 7, at 11:30 A. M.; now, therefore, be it

Resolved by the Senate of the State of Texas, That the Mexia High School Band be invited to render a fifteen-minute musical program in the Senate Chamber on the above date, under the direction of the leader of the Mexia High School Band.

The resolution was read; and by unanimous consent, it was considered at this time and was adopted.

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, June 5, 1939.

Hon. Coke R. Stevenson, President of  
the Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has refused to concur in Senate  
amendments to H. B. 190 and requests  
the Senate for the appointment of a  
Free Conference Committee to adjust  
the differences between the two  
Houses. The following are appointed  
as conferees on the part of the House:  
Allison, Petsch, Russell, Vint and  
Tennant.

Respectfully submitted,  
E. R. LINDLEY, Chief Clerk,  
House of Representatives.

#### House Bill 990 on Second Reading

Senator Lanning moved that the  
regular order of business be sus-  
pended, to permit consideration of  
H. B. No. 990 at this time.

The motion prevailed by the fol-  
lowing vote:

#### Yeas—21

Aikin	Martin
Brownlee	Metcalf
Burns	Moffett
Collie	Nelson
Cotten	Pace
Graves	Redditt
Hardin	Shivers
Head	Small
Hill	Stone
Lanning	of Galveston
Lemens	Winfield

#### Nays—4

Isbell	Spears
Moore	Van Zandt

#### Absent

Beck	Stone
Kelley	of Washington
Roberts	Sulak
	Weinert

Th President laid before the Sen-  
ate on its second reading and passage  
to third reading:

H. B. No. 990, A bill to be entitled  
"An Act amending Article 7117, Re-  
vised Civil Statutes of the State of  
Texas, 1925, as amended, Acts, 1929,  
Forty-first Legislature, First Called  
Session, Chapter 50, page 109, Sec-  
tion 1, defining transfers in contem-

plation of death and providing for a  
tax on same; amending Article 7118,  
Revised Civil Statutes of the State  
of Texas, 1925, as amended, Acts,  
1935, Forty-fourth Legislature, Chap-  
ter 356, page 922, paragraph 1;  
amending Article 7119, Revised Civil  
Statutes of the State of Texas, 1925,  
as amended, Acts, 1927, Fortieth Leg-  
islature, Chapter 62, page 87, Section  
1; amending Article 7120, Revised  
Civil Statutes of the State of Texas,  
1925; amending Article 7121, Revised  
Civil Statutes of the State of Texas,  
1925, as amended, Acts, 1927, For-  
tieth Legislature, Chapter 62, page  
87, Acts, 1931, Forty-second Legis-  
lature, Chapter 72, page 109, Acts,  
1933, Forty-third Legislature, Chap-  
ter 192, page 581, Section 2-b, Sub-  
section 20, providing in each case for  
an increase in taxes by lowering the  
brackets and increasing the rates of  
taxation to each class; amending Ar-  
ticle 7125, Revised Civil Statutes of  
the State of Texas, 1925, as amend-  
ed, Acts, 1929, Forty-first Legisla-  
ture, Chapter 26, page 60, Section  
1, so as to more clearly define de-  
ductions permissible for inheritance  
tax purposes; amending Article 7130,  
Revised Civil Statutes of the State  
of Texas, 1925, so as to provide for  
notice of appraisement to the Comp-  
troller and providing for judicial re-  
view of the report of appraisement;  
amending Article 7131, Revised Civil  
Statutes of the State of Texas, 1925,  
so as to provide for suspension of  
assessment of inheritance taxes pend-  
ing a judicial review thereof; amend-  
ing Section 9, Chapter 192, page 588,  
Acts of 1933, Forty-third Legisla-  
ture, Regular Session and providing  
for certification of probate papers to  
the Comptroller, assessing the costs  
to the estate; providing for the giv-  
ing of such information to the Comp-  
troller and fixing a penalty for vio-  
lation; amending Article 7135, Re-  
vised Civil Statutes of the State of  
Texas, 1925, and providing for the  
approval by the Comptroller of a  
County Judge's finding that no in-  
heritance tax is due; declaring that  
the provisions of this Act shall be  
severable; saving to the State any  
claim for inheritance tax existing  
under the laws in effect prior to the  
enactment of this Act; and providing  
for the collection of such taxes; re-  
pealing all laws in conflict with this  
Act, and declaring an emergency."

The bill was read second time.

Senator Lanning offered the following amendment to the bill:

Amend H. B. No. 990, page 1, by striking out all words after the word "passing" in line 57 of Article 7117 down to and including the figures "(\$40,000.00)" in line 59 of Article 7117, and insert in lieu thereof the following: "under a general power of appointment exercised by the decedent by will, including the proceeds of life insurance to the extent of the amount receivable by the executor or administrator as insurance under policies taken out by the decedent upon his own life, and to the extent of the excess over \$40,000.00 of the amount receivable by all other beneficiaries as insurance under policies taken out by the decedent upon his own life."

Senator Van Zandt moved to table the bill subject to call.

Question first recurring on the amendment, it was adopted.

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 990, page 4, by adding the following at the end of Section 6: "Provided, however, the Comptroller shall have the authority to grant an extension of 6 months before any estate shall be charged any penalty or interest."

The amendment was adopted.

Question recurring on the motion of Senator Van Zandt to table the bill subject to call, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—8

Isbell	Pace
Martin	Shivers
Moffett	Spears
Moore	Van Zandt

Nays—18

Aikin	Metcalf
Burns	Nelson
Collie	Redditt
Graves	Roberts
Hardin	Small
Head	Stone
Hill	of Galveston
Kelley	Sulak
Lanning	Winfield
Lemens	

Absent

Beck	Stone
Brownlee	of Washington
Cotten	Weinert

Senator Shivers moved to postpone further consideration of the bill until next Monday, immediately after conclusion of the morning call on that day.

Senator Martin moved as a substitute that further consideration of the bill be postponed until next Friday, immediately after the morning call on that day.

The substitute was adopted.

The motion as substituted was lost by the following vote:

Yeas—8

Beck	Moore
Cotten	Shivers
Isbell	Spears
Martin	Van Zandt

Nays—18

Aikin	Nelson
Burns	Pace
Collie	Redditt
Graves	Small
Hardin	Stone
Hill	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Moffett	Winfield

Absent

Brownlee	Roberts
Head	Weinert
Metcalf	

Question recurring on the passage of the bill to third reading, yeas and nays were demanded.

The bill was passed to third reading by the following vote:

Yeas—21

Aikin	Lemens
Beck	Metcalf
Burns	Moffett
Collie	Nelson
Cotten	Pace
Graves	Redditt
Hardin	Small
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Winfield

**Nays—6**

Martin	Stone
Moore	of Galveston
Shivers	Van Zandt
Spears	

**Absent**

Brownlee	Roberts
Head	Weinert

**Motion to Suspend Constitutional Rule**

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 990 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

**Yeas—18**

Aikin	Metcalf
Burns	Moffett
Collie	Nelson
Graves	Pace
Hardin	Redditt
Hill	Spears
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	

**Nays—9**

Beck	Small
Cotten	Stone
Martin	of Galveston
Moore	Van Zandt
Shivers	Winfield

**Absent**

Brownlee	Roberts
Head	Weinert

**Request Granted for Conference Committee on House Bill 190**

Senator Nelson called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 190.

Senator Nelson moved that the request of the House be granted.

The motion prevailed.

**Senate Bill 19 on Final Passage**

The President laid before the Senate, as unfinished business, on its

final passage (the bill having been read third time on April 13, 1939):

S. B. No. 19, A bill to be entitled "An Act repealing Article 6203, Revised Civil Statutes of 1925, as amended by Chapter 45, Acts of the Forty-first Legislature, First Called Session, Chapter 9, Fourth Called Session of the Forty-first Legislature, and Chapter 11, Fifth Called Session of the Forty-first Legislature, creating a Board of Pardons and Paroles, fixing their terms of office, providing a method of appointment thereto and authorizing recess appointment; limiting the power of the Governor in the matter of reprieves, commutations of punishment and pardons; providing for one reprieve of not more than thirty (30) days in any capital case, empowering the Governor to revoke paroles and other forms of clemency; fixing the salaries of the members of the Board of Pardons and Paroles and providing for traveling expenses and accommodations, and empowering them to employ a secretary, a state parole supervisor and other employees; providing for the organization of the Board; providing that the chairman shall be elected by the Board; providing for removal of Board members for cause; providing for the maintenance of offices and location of same; etc., and declaring an emergency."

With amendment by Senator Martin, striking out all before and all after the enacting clause and substituting the text of a complete bill, pending.

Senator Martin withdrew the amendment.

Senator Burns moved that the bill be tabled subject to call.

Senator Pace moved the previous question on the motion to table subject to call, and the motion was duly seconded.

The main question was ordered by the following vote:

**Yeas—22**

Beck	Lanning
Burns	Lemens
Collie	Martin
Cotten	Moffett
Hardin	Pace
Hill	Redditt
Isbell	Roberts
Kelley	Small

Stone  
of Galveston  
Stone  
of Washington

Van Zandt  
Winfield

Nays—5

Aikin  
Graves  
Metcalf

Spears  
Sulak

Present—Not Voting

Nelson

Absent

Brownlee  
Head  
Moore

Shivers  
Weinert

Question then recurring on the motion to table subject to call, it prevailed.

#### House Bill 1117 on Second Reading

On motion of Senator Metcalfe and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 1117 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 1117, A bill to be entitled "An Act requiring any person hunting any quail in Comanche County upon the private lands of another person in Comanche County, to first obtain and have in his possession a written permit; providing that the provisions shall not apply where such person is so hunting in company with the owner or agent of such lands; providing other necessary regulations pertaining to the obtaining of such permit, providing that the failure to have in possession such valid permit shall be prima facie evidence of guilt; providing a suitable penalty for violation of any provision of this Act; providing that it shall be the duty of any peace officer operating in any county affected by the provisions of this Act to enforce the provisions of this Act, and repealing all laws in conflict with any provision of this Act, insofar as they relate to Comanche County, and declaring an emergency."

The bill was read second time.

Senator Metcalfe offered the following amendment to the bill:

Amend H. B. 1117, page 2, Section 3, by striking out of said section the word:

"Outside of the County of his residence"

and insert in lieu thereof the following:

"in Comanche County"

And amend the caption to conform.

The amendment was adopted.

The bill was passed to third reading.

#### House Bill 1117 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1117 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Beck	Metcalf
Brownlee	Moffett
Burns	Moore
Collie	Nelson
Cotten	Pace
Graves	Redditt
Hardin	Roberts
Head	Shivers
Hill	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	

Stone  
of Washington  
Sulak

Van Zandt  
Weinert  
Winfield

**House Bill 688 on Passage to  
Third Reading**

The President laid before the Senate, as unfinished business, on its passage to third reading:

H. B. No. 688, A bill to be entitled "An Act to amend Sections 1 and 6 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, and to amend Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 117, Acts of the First Called Session of the Forty-third Legislature, as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature, and as amended by Chapter 370, Acts of the Regular Session of the Forty-fifth Legislature, relative to the Board of County and District Road Indebtedness; and providing that if any portion hereof be unconstitutional or invalid for any reason, the remaining part shall, nevertheless, be in full force and effect; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

With motion by Senator Spears to postpone further consideration of the bill to a time certain and with amendment by Senator Pace pending.

Senator Spears withdrew the motion to postpone.

Question—Shall the amendment by Senator Pace [as shown on pages 1831-1833 of the Journal] be adopted?

**Adjournment**

Senator Small moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded. The roll was called, and the vote on the motion to adjourn was announced: Yeas 14, Nays 14.

The President voted "yea," and the motion to adjourn prevailed by the following vote:

Yeas—15

Mr. President      Collie

Graves  
Hill  
Isbell  
Lanning  
Martin  
Metcalf  
Moffett  
Nelson

Shivers  
Small  
Spears  
Stone  
of Galveston  
Stone  
of Washington

Nays—14

Aikin  
Beck  
Brownlee  
Burns  
Cotten  
Hardin  
Head

Lemens  
Moore  
Pace  
Redditt  
Sulak  
Van Zandt  
Winfield

Absent

Kelley

Roberts

Absent—Excused

Weinert

The Senate, accordingly, at 5:05 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

**APPENDIX**

**Reports of Committees on Engrossed  
and Enrolled Bills**

Austin, Texas,  
June 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 462 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
June 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 418 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
June 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 393

carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
June 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 455 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
June 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 454 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
June 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. J. R. No. 6 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
June 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 59 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
June 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 487 carefully examined, compared and

read, and find same correctly en-grossed.

LANNING, Chairman.

Austin, Texas,  
June 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 481 carefully examined, compared and read, and find same correctly en-grossed.

LANNING, Chairman.

Austin, Texas,  
June 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 347 carefully examined, compared and read, and find same correctly en-grossed.

LANNING, Chairman.

Austin, Texas,  
June 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 488 carefully examined, compared and read, and find same correctly en-grossed.

LANNING, Chairman.

Austin, Texas,  
June 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 483 carefully examined, compared and read, and find same correctly en-grossed.

LANNING, Chairman.

Austin, Texas,  
June 5, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 485 carefully examined, compared and read, and find same correctly en-grossed.

LANNING, Chairman.